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Convention on the Rights of Persons with Disabilities

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**Committee on the Rights of Persons with Disabilities**
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**Consideration of reports submitted by States parties under article 35 of the Convention**

# List of issues in relation to the initial report of Sweden

**Addendum**

# Replies of Sweden to the list of issues*

[18 December 2013]

## A. Purpose and general obligations (arts. 1-4)

### Definitions (art. 2)

**Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/SWE/Q/1)**

1. The National Courts Administration is constantly striving to ensure that the principle of the equality of all before the law fully impacts on its activities. Much of its efforts in this connection concerns interpretation and personal treatment in the courts and the prevention and combating of discrimination within the agency's area of work. With specific reference to the rights of persons with disabilities, the following measures are of relevance in the present context.

2. In its 2010 appropriation directions to Sweden's courts, the Government assigned the National Courts Administration to provide annual reports on its efforts to achieve the interim goals set out in the Strategy for the Implementation of Disability Policy, 2011-2016. The agency describes in its report for 2013 how an initial survey was undertaken the previous autumn in the form of a questionnaire distributed to a strategic selection of courts to gauge the extent to which court staff are sufficiently familiar with the circumstances and needs of persons with disabilities. The survey showed that understanding of the Convention among judges and other court staff needs to be improved. Regarding the support courts can

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offer a person with a disability at court hearings, the survey showed that the administrative officers responsible have the best competence to provide it.

3. During the autumn of 2013, the National Courts Administration will be launching an e-training course developed in consultation with disability organisations and focusing on the way persons with disabilities are treated. Participants will be informed about the Government's intentions, relevant legislation and the United Nations Convention etc. The aim is to ensure that as a result of this e-training, all staff at Sweden's courts will acquire greater knowledge and understanding of the circumstances and needs of persons with disabilities. In addition, the accessibility perspective will be a part of all existing executive training programmes and courses in the professional treatment of persons with disabilities by the end of the year. Statistics will be compiled on the number of staff attending such training.

4. If, due to a serious hearing or speaking impediment, someone requires an interpreter, e.g. a sign language interpreter, the courts may engage such a person in accordance with chapter 5, section 6 of the Swedish Code of Judicial Procedure. Where a criminal case is involved, the courts are obliged under the same provision to make such an interpreter available.

5. Regarding awareness-raising, providing information and increased knowledge within government agencies, regional and local authority, see reply to the issue raised in paragraph 2 of the list of issues.

**Reply to the issues raised in paragraph 2 of the list of issues**

6. Sweden's disability policy is based on the Convention on the Rights of Persons with Disabilities, and spreading awareness of this document and ensuring support for it are a ceaseless endeavour. As part of this ongoing effort, regular meetings are held with the country's disability organisations to discuss Sweden's international work on human rights, and the Government also allocates funding to enable these organisations to be a part of Swedish delegations at meetings of state parties etc. In addition, the Government provides approximately SEK 180 million per year in state subsidies to assist disability organisations in their efforts to achieve full participation and equality in society for persons with disabilities.

7. As reported on the issue raised in paragraph 3 of the list of issues, 22 government agencies have been given the task to ensure the realization of all human rights for persons with disabilities in accordance with the CRPD in their field of activity.

8. To raise awareness of the Convention, The Swedish Agency for Disability Policy Coordination (Handisam), was assigned by the Government in 2010 to launch a communication initiative aimed at helping municipalities and county councils to implement the Convention provisions. As part of this task, Handisam joined the Swedish Disability Federation and the Swedish Association of Local Authorities and Regions in organising eleven conferences around the country attended by local and regional councillors and officials and by representatives of the disability organisations.

9. An important component in this drive to raise awareness about the rights of persons with disabilities is the Swedish Inheritance Fund. This fund is an independent government agency organised as a commission of permanent experts. Its members are appointed by the Government and its task is to help promote non-profit activities on behalf of persons with disabilities. The rights of this group, is a priority area. In 2012, the Sweden Inheritance Fund Commission distributed approximately SEK 123 million for projects targeting persons with disabilities run either by or in cooperation with disability organisations. One such project is Agenda 50 run by the Swedish Disability Federation, which aims to disseminate knowledge and information about the importance and content of the

Convention. As part of this project, educational and informational materials have been produced that target a variety of actors, including the disability movement, with proposals as to how the rights enshrined in the Convention may be applied in their work.

**Reply to the issues raised in paragraph 3 of the list of issues**

10. The Government's Strategy for the Implementation of Disability Policy is based on the Convention on the Rights of Persons with Disabilities. Disability policy is cross-sectorial and 22 national agencies have been specially instructed to implement the Convention objectives in their respective policy areas. Each agency has established goals for its specific sector. The strategy strongly emphasises the need for proper follow-up; it requires the agencies to report annually on what steps they have taken and on how these have affected the situation of persons with disabilities. In addition, Handisam has been assigned to develop a cohesive system for describing, following up and analysing the progress and impact of the Government's disability policy. This task includes developing indicators for following up how the situation of persons with disabilities has been affected, compiling and analysing the results of the strategic agencies' work, and supplementing statistics and other documentation with various types of dialogue both with persons with disabilities and with the disability organisations.

11. To further enhance the implementation of the Convention both in individual policy areas and across the board, efforts are under way to ensure that present statistical studies, too, are able to draw comparisons between the situations of those with disabilities in Swedish society and of those without. In order to study in closer detail what obstacles the former encounter and how they view their situation, a web panel is used consisting of 2 000 persons with disabilities. In the case of those who because of their disabilities are unable to respond to web questionnaires, qualitative interview studies or focus groups are used, depending on the matter under discussion. Data is gathered in consultation with the disability movement and analysed in the annual follow-up process. The follow-up is presented annually both in a progress report and on the Handisam website. The report also proposes improvements that the Government subsequently takes a position on.

12. To supplement Handisam's assignment, Statistics Sweden has been tasked with reporting on and proposing the development of data that will enable the Government to monitor how the situations of girls, boys, women and men with disabilities develop over time in different areas of society. As far as possible, this data is to provide a basis for following up trends during the period 2011–2016. Statistics Sweden delivered its report on the assignment in March 2013 and the material is currently being processed at the Government Offices.

13. Work is also under way to develop a follow-up system that will show how Sweden's municipalities are progressing in their efforts to implement the Convention.

**Reply to the issues raised in paragraph 4 of the list of issues**

14. During its most recent terms of office, the Government has undertaken a number of reforms aimed at improving opportunities for persons with the kinds of disabilities that reduce both work capacity and their chances of finding employment. In this connection, it may be noted that additional resources have been made available for the furtherance of employment with wage subsidy and secure employment with Samhall AB. Extra funding has been provided to the Swedish Public Employment Service to ensure that proper support is given to persons with disabilities whose work capacity is reduced. In addition to these initiatives, "new start" jobs and other forms of employment support are supplementing the measures specifically targeting persons with capacity-reducing disabilities.

15. The Governments strategy for the disability policy encompasses labour market policy, and The Public Employment Service was given responsibility for a number of special interim targets. The targets aim to increase the employment level for persons with disabilities and reduced work capacity, and make the matching process between employers and employees with disabilities more effective. The social insurance system is also covered by the Strategy and the Social Insurance Agency is responsible for a number of interim targets. One target is to contribute to the full participation of persons with disabilities in working life and throughout the community through strategic measures. Another target is to increase knowledge about the differences in decision-making regarding individual support.

16. For the years 2012–2014, the Government approved special initiatives on behalf of persons who no longer qualify for sickness insurance and who are well outside the labour market. As a result of the two initiatives Boost for Cultural Heritage and development employment at Samhall, more people with reduced work capacity due to a disability have found employment. To raise awareness of what support is available to persons with disabilities, the Public Employment Service was assigned to undertake an information campaign in 2012.

17. Since January 2013 The Public Employment Service implements an internship program for persons with disabilities. To improve the opportunities in working life the program offers persons with disabilities internship within government agencies. The program will be in progress for at least three years.

18. In its 2013 Budget Bill, the Government declared that measures for people with disabilities needed to be more flexible. To this end, it proposed that in future special introduction and follow-up support (SIUS) could be combined with development and security employment. It also changed the personal assistant support programme so that it could be combined with development and security employment, as an alternative to provider allowances. The Public Employment Service reports that this has had a favourable effect.

19. The Government also directed additional resources to the SIUS programme in order to make it easier for persons with disabilities entailing reduced work capacity to find employment. Funding totalled SEK 55 million for 2013 and 110 million for 2014.

20. To underline the importance of maintaining a high standard when assessing disability and work capacity, the Government instructed the Public Employment Service in 2013 to report on ways in which the process of identifying disability and assessing work capacity might be improved and on how the agency's work in this area might be intensified.

21. In 2011 the Government appointed a committee the mandate to consider the efforts of the employment policy for people with disability that reduces their work capacity (Dir 2011:59). The inquiry reports "Sänkta trösklar – högt i tak" (SOU 2012:31) and "Arbetshjälpmedel och försäkringsskydd för arbete på lika villkor" (SOU 2012:91) are currently being processed at the Government Offices.

22. The number of registered unemployed persons with disabilities on the Public Employment Service's books has increased since 2008 from approximately 40 000 persons to slightly above 80 000 today. At the same time, 85 000 registered persons with disabilities and reduced working capacity are employed through different kinds of supported employment. Two factors in particular are behind the increased number of unemployed persons with disabilities. Firstly, the economic downturn brought on by the financial crisis of 2008 and 2009 caused many people, both with and without disabilities, to lose their jobs. The second factor that affected the trend was a series of reforms in the sickness insurance system. In mid-2008, among other things new rules were introduced for sickness benefit along with the introduction of a rehabilitation chain, and the limited-term sickness compensation mechanism was abolished. A result of this is that people in a greater extent

have transferred from the sickness insurance system to programmes run by the Public Employment Service to find, gain and keep a job.

23. The government has implemented a health insurance reform with the purpose to streamline processes and to increase opportunities for people on sick leave to return to work and give more people the opportunity to support themselves through paid work. Employment Service and the Social Insurance have extended their partnership to support persons with disabilities and reduced working capacity to gain or regain their ability to work. Central to the authorities' cooperation is early and active interventions based on individual needs.

24. An aggravating factor is the attitudes in society that makes it difficult for persons with disabilities. Handisam runs a campaign closely with NSPH a network of patient, service user and family organizations in the field of psychiatry, which aims to raise awareness regarding persons with mental disabilities and thereby reduce prejudices and negative attitudes. The campaign includes a variety of communication initiatives. Evaluations have shown that the public's attitude through this campaign has become more positive towards persons with mental disabilities. In 2013 and 2014, the campaign will focus on enhanced action within working life.

**Reply to the issues raised in paragraph 5 of the list of issues**

25. The disability organisations have a highly important role to play as consultative partners, and the Government therefore supports them financially and has also established disability advisory committees at all levels in the public sector. At national level, the Minister for Children and the Elderly meets representatives of the disability movement for strategic consultations on policy content and development. Of the 22 strategic agencies tasked with implementing Swedish disability policy on the basis of the national strategy, 14 have established consultations with the disability organisations. A further seven have embarked on the process of establishing such consultations. At local level, 88 per cent of Sweden's 290 municipalities report that they have established some form of consultation with the disability organisations. It is up to the public bodies concerned to ensure that these consultations are accessible regardless of functional capacity, in terms of both information and premises.

26. In addition, Handisam has set up a disability advisory committee together with three national disability organisations. The aim is to pursue a dialogue focusing on Handisam's task in the disability policy sphere. These consultations stem from an agreement based on the Council of Europe's Code of Good Practice for Civil Participation in the Decision-Making Process. The disability advisory committee meets three times per year, and Handisam also organises a half-day thematic dialogue with the disability organisations each year. This event is attended by all the strategic agencies. In connection with this work, and in consultation with the disability organisations, Handisam has developed guidelines for how consultations between the public sector and the disability movement could be established. These consultation guidelines, too, are based on the above code.

27. Each year, the Government checks on how disability advisory committees and other forms of consultation are progressing, both at national agency level and at municipal level.

**Reply to the issues raised in paragraph 6 of the list of issues**

28. Swedish disability policy and legislation apply to the community as a whole, including persons belonging to ethnic minorities. Both are based on the principle of the equal worth of all citizens and individual freedom and dignity.

29. Sweden's national minorities are the Jews, the Roma, the Sámi, the Swedish Finns and the Tornedalers. One of the goals of the Government's strategy regarding national

minorities is to provide a better chance to influence decision-making at national, regional and local level on issues that affect an ethnic minority. The measures taken include the introduction of consultative meetings at which representatives of the Government and minority organisations have taken part. A gender equality perspective has been mainstreamed into the strategy regarding national minorities.

**Reply to the issues raised in paragraph 7 of the list of issues**

30. There are no self-governed areas as such in Sweden. The Sámi Parliament established 20 years ago is a key component in self-determination for the Sámi, who are one of Sweden's indigenous peoples. This parliament is in two parts, one of which is a publicly elected assembly while the other is a government agency.

# B. Specific rights

## Equality and non-discrimination (art. 5)

**Reply to the issues raised in paragraph 8 of the list of issues**

31. The principle of non-discrimination is a fundamental and self-evident point of departure in Swedish law. The Constitution lays down that public institutions are to combat discrimination of persons on grounds inter alia of disability (Instrument of Government, chapter 1, article 2). The European convention prohibiting discrimination has also entered Swedish legislation.

32. In addition, a comprehensive Discrimination Act (2008:567) has been in place in Sweden since 2009, providing protection against discrimination of persons on grounds of their sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. This law offers broad protection against discrimination on grounds of disability, embracing virtually all areas of society. The anti-discrimination provisions apply to working life, education, employment policy activities and employment services not under public contract, starting or running a business and professional recognition, membership of certain organisations, goods, services and housing, public meetings and public events, health and medical care, social services, the social insurance system, unemployment insurance, financial aid for studies, national military service and civilian service, and public employment. Public employment here refers to all public agencies, i.e. wherever employees of state or municipal authorities interact with the general public and private individuals.

**Reply to the issues raised in paragraph 9 of the list of issues**

33. The following steps have been taken to ensure that international agreements such as the Convention on the Rights of Persons with Disabilities are reproduced in Swedish in such a way that the intentions of the original text are properly reflected.

34. The Ordinance (1990:1070) on the Publication of Sweden's International Agreements, Etc. makes clear which agreements are to be published. The basic rule is that this applies to all agreements that are binding for Sweden and which have been entered into by the Government. The same applies to amendments, reservations and explanations affecting the published agreements and to any notification that such an agreement has ceased to apply.

35. To ensure that the registration and publication of international agreements is as complete as possible, the line ministries are required to supply the Ministry for Foreign

Affairs both with the texts of the agreements they have prepared and with whatever information is needed for the publication of such agreements.

36. The ministry that has responsibility for an international agreement, should in a timely fashion make sure that the text is translated into Swedish, if the document is to be signed in a Swedish language version or if it is to be brought before the Riksdag. The Department for International Law, Human Rights and Treaty Law at the Ministry for Foreign Affairs should be consulted as early as possible in the process. The Language Services at the ministry have specialist experience in translating treaties and can assist in translations into Swedish. The Division for Legal and Linguistic Draft Revision at the Ministry of Justice is to be contacted where terminological issues arise. Prior to publication, the Department for International Law, Human Rights and Treaty Law at the Ministry for Foreign Affairs is responsible for ensuring that any agreements not yet available in a Swedish version are translated into Swedish. The ministry that has specific responsibility for a given agreement is always responsible for checking the translation of it. Where the translation of the Convention on the Rights of Persons with Disabilities is concerned, the normal procedure is that the Government's expert authority on disability affairs, Handisam, presents a draft translation that is then processed at the Government Offices.

**Reply to the issues raised in paragraph 10 of the list of issues**

37. Is the concept of reasonable accommodation as set forth in the Convention understood and applied in a unified way in all legislation in Sweden, with respect to areas both within and beyond the scope of Council of the European Union directive No. 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and if so, how? The Discrimination Act (2008:567) contains provisions requiring employers to take reasonable support and adaptation measures in working life (chapter 2, section 1). The prohibition against discrimination applies in cases where the employer, by taking reasonable support and adaptation measures, can see to it that an employee, a job applicant or a trainee with a disability is put in a comparable situation to persons without such a disability. This means that an employer may not attach importance to any limitations in a person's ability to perform a job that a disability may entail if such limitations could be eliminated or reduced through support and adaptation measures so that the most essential work duties can be discharged.

38. Employers are not required, however, to take support and adaptation measures that could be deemed unreasonable. When cases are assessed, both economic conditions and the right of employers to organise work as they see fit must be taken into account. What may be deemed unreasonable is decided from case to case. When assessing what is reasonable or not, special attention should be paid to the employer's economic status and other conditions, the type and degree of the employee's disability and the form and duration of his/her employment. The cost should be viewed in relation to the employer's economic situation and the assessment should focus on the employer's ability to bear the cost involved. Assessments of what is reasonable should also take into account the provisions of the Work Environment Act and other existing legislation, since action that an employer is required to take under the Work Environment Act is normally considered reasonable under the Discrimination Act as well. Also, technological and other developments should be given consideration since something deemed unreasonable at a certain point in time may be regarded as reasonable later as a result of such developments and necessitate a fresh assessment. If there is insufficient reason to demand that an employer take the support and adaptation measures in question, discrimination is not present. The same applies if it is found that support and adaptation measures would not eliminate or satisfactorily reduce the effects of the disability.

39. Discrimination in higher education is also prohibited. This prohibition applies in cases where an education provider, by taking reasonable measures regarding the accessibility and usability of the premises, can see to it that a person with a disability who is applying or has been accepted for education under the Higher Education Act (1992:1434), or for education that can lead to a qualification under the Act concerning Authority to Award Certain Qualifications (1993:792), is put in a comparable situation to people without such a disability (chapter 2, section 5 of the Discrimination Act). The requirement concerning adaptation measures concerns the accessibility and usability of premises. This may involve changes in the design and layout of the premises, concerning features such as high doorsteps, wall-to-wall carpeting, the absence of a lift, the placement of door openers, the design of toilet space and such like. It may also involve ensuring good ventilation for persons with allergies, hearing loops and good acoustics for those with impaired hearing, better colour contrasts and lighting for the visually impaired etc. It does not cover the accessibility or usability of for instance course literature or other teaching or learning aids. The responsibility of the higher education institution for taking adaptation measures is limited to what is deemed reasonable. An important factor is the cost involved. This is to be weighed against the institution's economic situation, i.e. the assessment is to focus primarily on the institution's ability to bear the cost (Govt Bill 2007/08:95 p. 507ff). The decision by a university or college run by the Government may, regarding education under the Higher Education Act (1992:1434), be appealed to the University Appeals Board on the ground that the decision violates the prohibition on discrimination contained in chapter 2, section 5 (chapter 4, section 18 of the Discrimination Act).

40. The question of broadening protection against discrimination due to inadequate accessibility to embrace all areas of public life covered by the Discrimination Act has been the subject of an inquiry at the Government Offices. The inquiry resulted in the ministry memorandum "Beyond fair words" (Ds 2010:20). It proposed that the prohibition of discrimination due to inadequate accessibility should be extended to all areas of society covered by the Discrimination Act, i.e. working life, education, employment policy activities and employment services not under public contract, starting or running a business and professional recognition,, membership of certain organisations, goods and services and housing, public meetings and public events, health and medical care, social services, the social insurance system, unemployment insurance, financial aid for studies, national military service and civilian service, and public employment. The Government intends at a later date to present a legislative proposal to the Riksdag on insufficient accessibility as a form of discrimination.

41. The Swedish Agency for Public Management was given the task to do a cost-impact analysis of the legislative proposal on insufficient accessibility as a form of discrimination.

42. The Riksdag has in June 2012 adopted an announcement which stakes that the government promptly shall return with a legislative proposal on insufficient accessibility for persons with disabilities as a form of discrimination (Committee Report 2011/12: AU11 and rskr 2011/12: 267). According to the Riksdag, a fundamental condition for implementing this reform is an economically responsible implementation. Reasonable assessment and implementation rate are two key aspects. These issues may need to be further clarified. It must, according to the Riksdag, be ensured that the reform both are consistent with good management in the public sector and takes into account the conditions for business development.

**Reply to the issues raised in paragraph 11 of the list of issues**

43. The Equality Ombudsman is tasked with seeking to ensure that discrimination on grounds of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age does not occur in any areas of public life. The

Ombudsman is also required to encourage the development of equal rights and opportunities regardless of the above grounds.

44. In addition, the Ombudsman is to offer guidance and to otherwise help enable anyone subjected to discrimination to claim their rights. As part of its activities, the agency is further required to inform, educate, discuss and otherwise engage with official bodies, enterprises, individuals and organisations and to monitor both international developments and research and development work. The Ombudsman is also required to recommend legislative amendments or other anti-discrimination measures to the Government and to initiate other appropriate measures (Sections 1–3 of the Act concerning the Equality Ombudsman [2008:568]).

45. The Equality Ombudsman may bring actions alleging discrimination on behalf of a private individual who consents to such a course. The Discrimination Act covers both private and public activities. Consequently, the Ombudsman is able to represent individuals in actions brought against either private or public activities.

**Reply to the issues raised in paragraph 12 of the list of issues**

46. The Equality Ombudsman can represent a victim of discrimination in court but is required in the first instance to seek a settlement with the party who subjected that individual to discrimination (chapter 4, section 1 of the Discrimination Act). In 2012, the Ombudsman received 485 claims of discrimination on grounds of disability, distributed by sector as follows: Employment service etc 19, working life 87, housing 14, insurance/banking 10, health and medical care 82, membership 8, business/professional activity 3, public employment 15, restaurant/shop 20, social insurance etc 12, social services 62, education 58, other goods and services 22, other complaints under the Discrimination Act 73.

47. As of 1 January 2009, the Ombudsman has reached a settlement in 20 cases. The amount of compensation paid to the victims in these cases ranged from SEK 20 000 to 100 000. The cases covered the following areas: working life 4, education 2, health and medical care 1, goods and services 13.

48. The Ombudsman has instituted proceedings in 11 cases relating to discrimination on grounds of disability, in the following areas: working life 3, education 1, social services 1, goods and services 6.

49. In one of the cases that the Equality Ombudsman brought to trial, the court ruled that the claimant had been discriminated against. The case concerned a woman who had applied to take out a sickness insurance policy on behalf of her daughter but was turned down on the grounds that the woman was drawing a care allowance (for the care of a child with a disability). The court stated in its ruling that both mother and daughter had been disadvantaged by the insurance company's rule and ordered the company to pay them a total of SEK 150 000 in discrimination compensation.[1]

**Reply to the issues raised in paragraph 13 of the list of issues**

50. When the Committee takes a decision on an individual appeals procedure under the Optional Protocol, the Government analyses the decision in each case and decides what consequences and potential measures it entails. Hitherto, the Committee has only submitted views and recommendations in one case, which is described below.

[1] Statistics from the Equality Ombudsman (www.do.se).

51. Before Sweden acceded to the United Nations Convention, a study was made of its 50 articles and how they relate to Swedish legislation and other conditions in Sweden. The conclusion was that Swedish legislation was in line with the Convention and the Optional Protocol and that therefore no legislative changes were required, even if much remains to be done in the disability policy sphere before Sweden may be deemed to meet the obligations and requirements set out in the documents in every respect.[2]

52. The Committee communicated its views and comments in H.M. versus Sweden on 19 April 2012. The measures that have been taken were specified in the Government's statement of opinion to the Committee on 26 October 2012, as follows. The Government is prevented from reconsider H.M.'s planning permission application, but describes in its statement how to proceed in order to re-apply for planning permission and how to apply for a change in the local plan. In addition, the statement describes what rights the appellant has under Swedish law in terms of the fulfilment of his/her needs. The Government's position is that Swedish legislation is in line with the Convention and that no legislative changes are necessary. In the Government's view, the Planning and Building Act is not the right legislative forum for meeting the appellant's needs.

53. The Government had the Committee's recommendations translated, and the views and translated text were sent both to the appellant and to representatives of the disability organisations. The organisations have also been informed orally. The Committee's views and recommendations are further available on the Government's human rights website in accessible formats.

## Women with disabilities (art. 6)

### Reply to the issues raised in paragraph 14 of the list of issues

54. The basis for Sweden's disability policy is laid down in the national action plan "From patient to citizen" (Govt Bill 1999/2000:79). In approving the action plan, the Riksdag adopted both the objectives for disability policy and the focus of policy work in this area. In its third and final follow-up of the national action plan for disability policy (Govt Comm 2009/19:166), the Government made clear that the disability policy objectives and policy focus would remain unchanged, i.e. the aim would continue to be a socially cohesive society designed to enable people of all ages with disabilities to participate fully in community life, with the emphasis on equal living conditions for girls, boys, women and men with disabilities. As regards the focus of disability policy work, efforts will continue to be made in the future to identify and eliminate obstacles to full participation in community life for girls, boys, women and men with disabilities, to prevent and combat discrimination, and to create means and opportunities for independence and self-determination.

55. These basic principles serve to underline the importance both of participation in public life for persons with disabilities and of the gender equality requirement. Regarding the question of women and children from ethnic backgrounds other than Swedish, it is emphasised that Swedish disability policy and legislation apply to all members of society, including persons from the aforementioned backgrounds.

56. Section 14 of the Official Statistics Ordinance (2000:100) states that individually based official statistics must be disaggregated by gender unless there are special reasons to the contrary.

[2] Ds. 2008.23 FN s konvention om rättigheter för personer med funktionsnedsättning.

## Children with disabilities (art. 7)

**Reply to the issues raised in paragraph 15 of the list of issues**

57. One of the principles in the Government's strategy to strengthen children's rights in Sweden, which was adopted by the Riksdag in 2010, is that children must be given the opportunity to express their views on matters that affect them. A study on how Swedish legislation and practice accord with the rights set out in the Convention on the Rights of the Child (Ds 2011:37) noted that the right of children, in accordance with their age and degree of maturity, to influence their situation by for instance expressing their views freely in all matters affecting them, is enshrined in the law in several areas. It also noted that this right extends to a number of different factors. These include the child's ability to form his or her own views on matters, appropriate information to facilitate this process, interaction with parents or custodians, and certain complicated and sensitive issues.

58. As of 1 January 2011, the Act concerning Support and Service for Persons with Certain Functional Impairments (1993:387) contains a provision stipulating that when a child is the subject of a particular measure, that child is to be provided with relevant information and the opportunity to express his or her own views, which are to be given due weight in accordance with the child's age and maturity.

59. Children with disabilities are though seldom given the opportunity to express their views in for example the planning, preparation or follow-up of activities in support of their development, well-being and day-to-day lives. If they are to exercise this right, children should be offered information and dialogue concerning support measures adapted to their specific disability, age and needs. Handisam has been assigned by the Government – in cooperation with the Swedish Association of Local Authorities and Regions and in consultation with the Ombudsman for Children in Sweden – to gather experience and disseminate information about methods and strategies for how children and young people with disabilities might best influence decisions affecting them. A report on this mandate was presented in November 2012.

60. The Ombudsman for Children in Sweden is a government agency tasked with representing children with regard to their rights and interests on the basis of the United Nations Convention on the Rights of the Child (CRC). The Ombudsman monitors compliance with the CRC in society and pushes for its implementation in Sweden's municipalities, county councils/regions and government agencies. One of the agency's tasks is to draw attention to shortcomings in the way the CRC is applied in Sweden and to propose changes to laws and ordinances. The Ombudsman reports to the Government each year. These reports include analyses and recommended improvements for children. In addition, the ombudsman is required by law to provide information and build opinion on issues relevant to children's rights and interests. The Ombudsman engages in regular dialogues with children, particularly those in vulnerable situations, to learn about their situation and to obtain their opinions on relevant issues. Since the duty of the Ombudsman is to represent all children, this includes children with disabilities.

61. The Ombudsman for Children in Sweden has an important role informing children and young person's about their rights. At the government's request information materials about such rights has been produced. These include a publication entitled "I Want to Say Something!" that targets children and young people in three different age groups and which includes a guide for use in school tuition or in other contexts of a similar kind. The Ombudsman has also been tasked by the Government with developing a child-friendly version of the CRC. Both this version and the CRC in its entirety have been translated into the country's minority languages and are also available to children with various disabilities.

## Awareness-Raising (art. 8)

**Reply to the issues raised in paragraph 16 of the list of issues**

62. It is vital to ensure that a disability perspective is present in all public programmes seeking to change negative attitudes towards persons with disabilities. This helps create a situation in which all citizens can be respected as fully fledged members of the community capable of enjoying human rights regardless of functional capacity. The information activities and campaigns undertaken to this end are being directed both at political representatives and officials and at the general public.

63. The Public Employment Service is running a campaign entitled "See the Strengths!" that encourage employers to focus on people's abilities and skills rather than on obstacles and disabilities. It is also informing employers, persons with disabilities and other relevant parties about the support it can give employees with disabilities and reduced work capacity.

64. Handisam is running an information campaign in close cooperation with the National Collaboration for Improved Mental Health, the object of which is to raise awareness about persons with mental disabilities and thereby reduce prejudice and negative attitudes. This campaign encompasses a wide range of informational activities. Evaluations have shown that the general public has become more favourably disposed to people with mental disabilities as a result of this campaign. The use of "ambassadors" with their own experience of mental disability has proved a successful approach. As in all communication, it is important to strike a balance in the message being put across so that there is no risk of arriving at a "victim perspective" as opposed to a rights perspective.

## Accessibility (art. 9)

**Reply to the issues raised in paragraph 17 of the list of issues**

65. The Discrimination Act (2006:567) offers protection against discrimination due to inadequate accessibility. Its provisions require employers and providers of higher education to take reasonable support and adaption measures concerning premises of accessibility (see reply to the issue raised in paragraph 10 of the list of issues).

66. Detailed rules concerning accessibility in the built environment, both in relation to new building projects and reconstruction, are set out in the Planning and Building Act (2010:900, PBL). Under this law, the building must be accessible and usable for persons with limited mobility or orientation capacity. Also, easily eliminated obstacles are to be removed so as to improve accessibility both in premises to which the public has access and in public spaces.

67. A new Planning and Building Act entered into force in May 2011, requiring municipal planning and building committees to consider a building's accessibility and usability for persons with limited mobility or orientation capacity when considering the planning permission application. Previously, planning permission could be granted despite the fact that a building did not meet the basic accessibility requirements. The legislative changes mean that deficiencies are more likely to be observed at an early stage, which could reasonably be expected to improve compliance with the law. As before, however, responsibility for ensuring that the building is erected in accordance with the accessibility requirements still lies with the building contractor.

68. In connection with the introduction of the new Planning and Building Act, the Government adopted a new Planning and Building Ordinance (2011:338). Under this ordinance, county administrative boards are to monitor the extent to which the new act and its provisions are being implemented by the municipal planning and building committees.

Where necessary, the county administrative boards and the National Board of Housing, Building and Planning are to offer the committees guidance and support. The National Board of Housing, Building and Planning is also to follow up, analyse and regularly summarise the experience gained from implementation of the Planning and Building Act and its attendant provisions. The agency's findings are to be reported to the Government.

69. To facilitate the introduction of this new legislation, the Government appointed a special committee, "The New Planning and Building Act – The Right Way" (M2010:01). Its task was to organise and implement training and skills enhancement programmes focusing on the new law and targeting municipalities, county administrative boards and national agencies. The committee delivered its final report in December 2012.

70. In 2012, a new Swedish Public Transport Act (2010:1065) came into force, regulating among other matters the responsibilities of municipalities and county councils for regional public transport. This type of transport accounts for the overwhelming bulk of all public transport in Sweden. The law includes a provision stating that regional public transport authorities are to draw up goals and measures with a specific time frame for adapting public transport to the needs of persons with disabilities. In addition, they are to specify in their transport provision programmes the lines and interchanges that are fully accessible to all travellers, including persons with disabilities. A national agency is authorised to oversee compliance with the provisions of the law.

71. The same regional authorities are responsible for concluding agreements on public transport. These agreements set out the requirements to be met by the public transport companies. As a rule, they contain provisions requiring vehicles used for public transport to be adapted for persons with disabilities.

72. Sweden has guidelines on internet accessibility. Entitled "Guidance for Web Development", they have been produced by the eGovernment Delegation and are directed at official bodies. Their general recommendation is that development should be based on WCAG 2.0, level AA. WCAG stands for Web Content Accessibility Guidelines and in turn contains a wide array of recommendations as to how web content can be made more accessible. By following these recommendations, designers can make web pages more accessible to people with disabilities of various kinds.

73. The Government's Strategy for the Implementation of Disability Policy, includes a mandate requiring the Swedish Legal, Financial and Administrative Services Agency to develop – within the framework of procurement support and in cooperation with both the Competition Authority and Handisam – a guide designed to ensure that both procurements and contract call-offs are conducted in such a way that they guarantee usability and accessibility for all citizens, whatever their functional capacity. The National Procurement Services at the Swedish Legal, Financial and Administrative Services Agency has been tasked with actively encouraging, in the course of 2011–2016, the development of more IT solutions of a general nature that can be used by as many citizens as possible, regardless of functional capacity. In addition, the agency is to encourage the development of a system of procurement requirements designed to give purchasers a closer understanding of concepts such as usability and accessibility. The resultant system is to be along the same lines as the one for setting green procurement criteria developed by the Swedish Environmental Management Council. The 2010 Procurement Inquiry proposed in its report "Good Business – A strategy for sustainable public procurement" (SOU 2013:12) that a national criteria-setting programme for the social welfare field be developed as soon as possible, similar to the one developed in the environmental field. This report is currently being processed at the Government Offices. In addition, the new EU directives governing public procurement contain provisions relating to accessibility. Work is under way in Sweden to implement these directives. The EU directives are to be implemented in Swedish legislation

within two years of their entering the EU-legislation, which is expected to occur in early 2014.

## Equal recognition before the law (art. 12)

**Reply to the issues raised in paragraph 18 of the list of issues**

74. Declarations of incapacity are no longer a legal institution in Sweden, having been abolished in 1989.

75. Swedish law has two institutions relating to the kind of substituted decision-making mentioned in the list of issues: administrators and deputies. Deputyship is the less intrusive of the two, and is generally based on the consent of the individual. An administrator has greater powers than a deputy. Decisions to place an individual under deputyship or administratorship are taken by a court of law. Besides these rules, individuals of full legal competence are always permitted to grant another person power of attorney to assist them with their personal affairs, financial or otherwise.

76. The basic rule when choosing between a deputy and an administrator is that whichever is the least intrusive to the individual should be appointed. Also, the measures taken must be adapted to the needs of the individual in each case. An administratorship, for instance, may be restricted to only certain specific tasks or to a certain share of property.

77. A deputy may be appointed in the case of individuals who, due to illness, mental disturbance, debilitated health or a similar condition need help in claiming their rights, managing their property or looking after their person (chapter 11, section 4 of the Act on The Children and Parents Code).

78. An administrator may be appointed in the case of individuals who, due to illness, mental disturbance, debilitated health or a similar condition are not in a fit state to care for themselves or their property (chapter 11, section 7 of the Act on The Children and Parents Code). An administrator may not be appointed, however, if it is deemed sufficient that the individual is being assisted by a deputy or in some other less intrusive manner, e.g. by a relative or an authorised legal representative. The individual may no longer take decisions on matters that fall under the administratorship but otherwise retains the right to decide over his or her personal affairs.

79. If a deputy or an administrator is no longer needed, the deputyship or administratorship is to be terminated (chapter 11, section of the Act on The Children and Parents Code).

**Reply to the issues raised in paragraph 19 of the list of issues**

80. See reply to the issue raised in paragraph 18 of the list of issues.

## Access to justice (art. 13)

**Reply to the issues raised in paragraph 20 of the list of issues**

81. The rule requiring government authorities to make active efforts to ensure that their premises, information and activities are accessible has been in place since 2001.[3] In introducing the rule, the Government asserted that the authorities must strive in particular to

[3] Ordinance (2001:526) concerning the responsibility of central government authorities to implement disability policy.

ensure that all citizens, regardless of capacity, can visit them, can access their information and can work on their premises.

82. This concerns everything from being able to enter public offices to the presence of allergenic plants on the premises and the presence of auditory assistive technology. A report from Handisam (see footnote 2) shows that accessibility in courts is improving, although progress has been slow. According to the National Courts Administration, an e-training course will be launched in late 2013 entitled "Courts Are For Everyone", and one of the subjects will be the design of premises.

83. The agency has posted information on its website[4] describing what technological aids are available in Swedish courtrooms. Besides video conference equipment there may for instance be auditory aids in the form of sound improvement devices, earbuds and earphones.

84. If, due to a hearing or speech impediment, someone needs an interpreter, e.g. a sign language interpreter, courts may engage such a person under chapter 5, section 6, third paragraph of the Swedish Code of Judicial Procedure. Where criminal cases are involved, this procedure is mandatory, under the same provision.

85. The Swedish Crime Victim Compensation and Support Authority provides the information material available to victims in alternative formats.

**Reply to the issues raised in paragraph 21 of the list of issues**

86. There are no formal obstacles to a person with a disability becoming a juror or laymen. Besides the requirement that the person concerned must be a Swedish citizen and must not have an administrator, Swedish law[5] prescribes that only persons who are suitable for the assignment in terms of their judgement, independence, obedience to the law and other circumstances may be appointed as laymen or jurors. Laymen and jurors are chosen by the municipal or county council and it is these bodies that assess suitability in each individual case.

## Liberty and security of the persons (art. 14)

**Reply to the issues raised in paragraph 22 of the list of issues**

87. Generally speaking, courts make no distinction between persons with disabilities and persons without when deciding sanctions. Penalties are determined within the relevant scale of punishments in accordance with the penal value of the offence in question (chapter 29, section 1 of the Swedish Penal Code). In assessing penal value, however, courts may consider it a mitigating circumstance if for instance the accused, in consequence of a serious mental disturbance or emotional excitement, or for some other cause, had a markedly diminished capacity to control his or her actions or appreciate their consequences (chapter 29, section 3 of the Swedish Penal Code).

88. In cases where a person has committed an offence under the influence of a serious mental disturbance, a court may decide to impose a sanction other than imprisonment, and has the option of committing that person to forensic psychiatric care (chapter 31, section 3 of the Swedish Penal Code). Such committals do not have a fixed time frame. Instead, the care is to cease as soon as the person concerned is deemed to no longer be suffering from a

[4] http://np.netpublicator.com/netpublication/n88951365.

[5] Chapter 4, Section 6, third paragraph of the Swedish Code of Judicial Procedure and Section 20, fourth paragraph of the Administrative Court Act (1971:289).

serious mental disturbance, or when it is no longer necessary, taking into account his or her mental state and personal situation as a whole, to keep that person in compulsory mental care (section 13 of the Forensic Mental Care Act [1991:1129]).

89. Thus the length of time a person is committed to forensic mental care is not linked to the scale of punishments for the offence but to that person's mental state. This means that an inmate can in some cases remain in care for a shorter period and in others for a longer period than would have been the case if he or she had been sentenced to imprisonment for the crime in question.

**Reply to the issues raised in paragraph 23 of the list of issues**

90. Under Swedish law, no sanction may be imposed upon a person for a crime committed before he or she attains the age of fifteen (chapter 1, section 6 of the Swedish Penal Code). If a crime has been committed by a person under eighteen, the court may order imprisonment only if there are extraordinary reasons for doing so (chapter 30, section 5 of the Swedish Penal Code). Should the court find that such reasons exist and that the penalty should be imprisonment, the person is to be sentenced to closed juvenile care instead (chapter 30, section 5 of the Swedish Penal Code). However, this does not apply if, considering the age of the defendant when charges are brought, or some other circumstance, there are special reasons for refraining from such a course. Closed juvenile care is to be provided at special youth homes (section 1 of the Act on enforcement of institutional care of a minor [1998:603]).

91. Persons under the age of eighteen sentenced to imprisonment may not be placed together with prisoners aged 18 or over unless this is deemed to be in their best interests (chapter 2, section of the Act on Imprisonment [2010:610]). The same applies in the case of a person under eighteen who is remanded in custody (chapter 2, section 3 of the Act on Detention [2010:611]).

92. If a person under the age of eighteen is sentenced to forensic mental care, the same rules apply regarding treatment, where relevant, as for other forms of compulsory mental care. There is nothing in Swedish legislation to explicitly prevent children and adults from being given compulsory mental care in the same care unit.

93. The report of the Psychiatry Act Inquiry (SOU 2012:17) contains a proposal for a new Compulsory Mental Care Act (incorporating compulsory care that under current law is provided in the form of forensic mental care). The proposed new law contains a provision stating that children and adults are to be given care separately, except where it is in the best interests of the child to do otherwise (chapter 5, section 2). The proposals in the report are being processed at the Government Offices.

94. Under Swedish law, a young person under 18, and in some cases young people under 20, can be taken into compulsory institutional care. The grounds for disposal may be insufficient home conditions or destructive behaviour (2 and 3 § § LVU). If care can be carried out voluntarily in accordance with the Social Services Act (SoL) the LVU doesn't apply (chapter 6. SoL). Under SoL and LVU children and young people can be placed with a foster family or in a foster home", in a care home or housing (HVB) or at a youth detention. By regulations issued by The National Board of Health and Welfare follow that people who have different basic problems or significantly differ in age and maturity should not normally be cared for or treated together in a care home or an accommodation. It is particularly important that the difference in age and maturity of the children are not too extensive (chapter 1 SOSFS 2003:20). Usually younger children and young people are placed in foster homes. On the special youth homes children and young people are placed taking age and problems (health needs) into account. There are no explicit rules or

guidelines that prohibit persons under eighteen to get care together with people over eighteen in family homes, foster homes and youth detention.

95. If it is necessary to prepare or implement the enforcement of a decision on rejection or expulsion, children can in some cases be detained under the Aliens Act (2005:716). A decision on detention can't be made if it means that the child will be separated from both its guardians. Children without guardian can only be detained if there are exceptional reasons. A child cannot be detained longer than 72 hours or additional 72 hours if there are exceptional reasons. Children who are detained stay in rooms that are specially adapted for children and families. The facilities have staff with special children's skills. Children who are detained should never be placed in custody or in prisons.

**Reply to the issues raised in paragraph 24 of the list of issues**

96. Issues relating to professional ethics and human rights training are included in the two-year basic police training programme. A proper awareness of rights and freedoms is deemed crucial to the task of guaranteeing respect for the rights of all. Human rights issues are to be found in various connections, such as legal and psychological contexts, self-defence and the use of force.

97. During the first term of basic training, the emphasis is on the role, function, purpose and community mandate of the police. In this connection, international conventions such as the United Nations Convention on the Rights of Persons with Disabilities are of paramount importance. The training also encompasses the International Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, and Swedish legislation such as the Instrument of Government (the prohibition of corporal punishment and torture).

98. Another area covered in the training programme is the treatment of persons who have been deprived of their liberty, the rights of those held in detention and the care of detained persons during their time in police custody. The importance of thorough, systematic body searches aimed at minimising the risk of suicide in police custody is emphasised. During their training, police cadets learn how to handle situations involving mental illness in general and suicidal situations in particular. The training is based on theoretical studies encompassing types of treatment, arrests and suicide prevention. The study forms include lectures, seminars and exercises.

**Reply to the issues raised in paragraph 25 of the list of issues**

99. Under Swedish law, prosecutors are obliged to prosecute offences falling within the domain of public prosecution, which means it is not possible to refrain from prosecuting an offence on the grounds that the suspected perpetrator has a disability (chapter 20, section 6 of the Swedish Code of Judicial Procedure). In certain circumstances, however, a prosecutor may waive prosecution if psychiatric care or special care in accordance with the Act on Support and Service for Certain Persons with Functional Impairments (1993:387) is rendered.

100. Also under Swedish legislation, a public defence counsel is to be appointed if for instance there are special reasons relating to the personal circumstances of the suspect (chapter 21, section 3 a, of the Swedish Code of Judicial Procedure). This may for instance involve a mental or serious physical illness, impaired vision or hearing, or some other serious disability. In such cases, a suspect may be granted the right to a public defence counsel even when the offence is of a less serious nature.

**Reply to the issues raised in paragraph 26 of the list of issues**

101. The basis for a committal under the Compulsory Mental Care Act (1991:1128) is that the person concerned has a serious mental disturbance, is in need of care and refuses

such care. When assessing care needs, consideration must be given to whether as a result of his or her mental disturbance the person represents a threat to someone else's personal safety or physical or mental health. The aim of compulsory care is to enable the patient to voluntarily accept the care and support that he or she needs (section 2 of the Compulsory Mental Care Act).

102. Under the law, coercive measures may only be used in treatment if they are reasonably proportionate to the purpose of the measure. If less intrusive measures are available, these are to be used instead. Also, coercion is to be used as leniently as possible and with the utmost consideration towards the patient (section 2 a). If a senior consultant judges that the care should be continued beyond four weeks after committal, he or she must apply to the administrative court for such an extension. If the administrative courts grant the application, care may be provided for a maximum of four months. Thereafter, on application from the senior consultant, the court may grant extensions of the care for a maximum of six months at a time (section 9).

103. A patient receiving care under the Compulsory Mental Care Act has the right to a support person (section 30). This person is to assist the patient in personal matters for as long as the compulsory care lasts. Under section 32 of the Compulsory Mental Care Act, a patient may appeal against the decision of the senior consultant to commit him or her to compulsory care. An appeal is to be interpreted as a request that the compulsory care order be revoked.

104. The supervisory body, The Health and Social Care Inspectorate, has an important duty to prevent malpractice. Since 2008, the Government has been financing a national programme to improve compulsory mental care, the aim being to reduce the number of coercive measures and improve the patients' experience of the care provided.

## Freedom from torture or cruel, inhumane or degrading treatment (art. 15)

### Reply to the issues raised in paragraph 27 of the list of issues

105. The doctor responsible for a patient is responsible for the treatment registered in that individual's journal and reported in the National Patient Register. The Health and Social Care Inspectorate has supervisory responsibility for all health and medical care activities.

106. There are no specific data on how many times Electroconvulsive therapy treatment (ECT) was applied between 2009 and 2012. One of the reasons is that only treatment by doctors is reported to the register and the treatment can also be provided by nurses.

107. In 2010, an in-depth study was carried out in which questionnaires were added to the National Patient Register in order to obtain a more reliable figure. During that particular year, ECT was administered a total of 39 591 times. In practice, it is not possible to apply this therapy against the wishes of the individual since the preparations require his or her participation.

108. The Government has assigned the National Board of Health and Welfare to review the National Patient Register so that treatment provided by professional categories other than doctors may be included as well.

## Freedom from Exploitation, Violence and Abuse (art. 16)

**Reply to the issues raised in paragraph 28 of the list of issues**

109. The Social Services Act (2001:453) chapter 5, section 11, prescribes that social welfare boards (in the municipalities) must seek to ensure that the victims of crime and their families receive support and help. The Social welfare boards shall specially consider that women who are or have been victims of domestic violence or other abuse by someone closely related may be in need of support and help to change their situation. The boards are responsible for that children who are victims of crime and their families get the support and help they need. The boards shall also pay particular attention to children who have witnessed domestic violence or other abuse and be responsible for helping the children to receive the support and help they need. The Social Services Act also prescribes that social welfare boards must seek to ensure that children and young people grow up in good, secure relationships. The boards are tasked with encouraging personal development and beneficial physical and social development for children and young persons. Under section 1 a of the act, in matters relating to children who are suffering neglect or mistreatment or who are at risk of neglect or mistreatment, the social welfare board is required to cooperate with social bodies, organisations and others concerned. section 2 of the Care of Young Persons (Special Provisions) Act (1990:52), prescribes that a care order should be issued if, due to physical or mental abuse, improper exploitation, deficiencies of care or some other circumstance in the home, there is a palpable risk of detriment to the young person's health or development.

110. There is no continuous registration in Sweden of crime victims with disabilities, which means the statistics on this group are deficient. But the Government is making extensive efforts to combat violence against women in various ways and to develop support for those subjected to it. Resources are allocated every year for the purpose of improving the quality of support to women exposed to violence. Special attention is given in this area to particularly vulnerable groups of women, such as women with disabilities. At the Government's request, the National Board of Health and Welfare has produced training material about violence against women with disabilities, entitled "Seldom Seen". This material targets the municipalities and other actors engaged in providing social services, such as women's emergency shelters. The Government intends to continue pressing ahead with this issue in various ways. In the spring of 2013, a national coordinator against violence in close relationships (intimate partner violence) was appointed. The coordinator's mandate emphasises the importance of learning more both about exposure to violence among people who are particularly vulnerable and about the special needs this group may have. A report on this assignment is due on 30 June 2014.

111. The National Centre for Knowledge on Men's Violence Against Women is a knowledge and resources centre at Uppsala University. It possesses a government mandate to raise awareness at national level about men's violence against women and to develop methods for looking after women exposed to violence. The mandate also includes efforts to develop methodology, information, training, data gathering and research. The centre's target groups include women with disabilities.

112. Besides these tasks, the Government is launching fresh initiatives in following up the action plan to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships. These initiatives focus on all women exposed to violence, including women with disabilities, and include measures such as continuing to encourage the development of the social services' activities on behalf both of women exposed to violence and of children who witness violence, conducting an information campaign to reduce the number of unreported cases, analysing accessibility to

sheltered housing, and making the national telephone support line (Kvinnofridslinjen) available to greater numbers of people.

113. Prevention of abuse and violence against persons with disability is included in the overall prevention of abuse and violence. Recently, the police carried out a national information campaign to inform about domestic violence. The Swedish police have invested in training on treatment of people that have experienced violence and abuse. The staff who interview persons with disabilities have in general received six months training in investigation and six months training in interviewing. Both these courses include consideration of abuse and violence against persons with disabilities.

114. Under the Government's Strategy for the Implementation of Disability Policy, the competence of government agencies in the justice sector regarding the circumstances and needs of persons with disabilities is to be strengthened further. This means, for instance, greater accessibility for and better personal treatment of crime victims with disabilities. Under the agreement reached with the Swedish Association of Local Authorities and Regions on evidence-based practice, the Government is strengthening the social services' opportunities and capacity for gathering and applying relevant knowledge on the subject of persons with disabilities.

## Living independently and being included in the community (art. 19)

### Reply to the issues raised in paragraph 29 of the list of issues

115. Under the Act (1993:387) concerning Support and Service for Persons with Certain Functional Impairments (LSS), activities are to promote equality of living conditions and full participation in the life of the community. The objective is to enable this group of individuals to live as others do. Section 6 of the act states that the activities concerned shall be based on respect for the individual's right to self-determination and privacy. As far as possible, the person concerned is to be given the opportunity to influence and jointly determine the measures to be provided.

116. Under chapter 5, section 7 of the Social Services Act (2001:453), the social welfare board is to endeavour to ensure that persons who, for physical, mental or other reasons, encounter difficulties in their everyday lives, are enabled to participate in the life of the community and to live as others do. Under chapter 1, section 1 of the act, public social services are to promote equality of living conditions and active participation in the life of the community.

117. Persons with disabilities who have support and service contribution under SoL and/or LSS are eligible to move to other municipalities. According to section 16 LSS, should the municipality at request from the individual communicate an advance notice about the right to measures in the new municipality. SoL regulates the right to move in chapter 2 a. sections 8 and 9.

**Development in the number of persons receiving assistance benefit (2008-2012), under the Social insurance code**

| *Year* | *No. of persons* | *Hours/week/person* | *Women* | *Men* |
|---|---|---|---|---|
| 2008 | 15 500 | 108 | 107 | 110 |
| 2009 | 15 900 | 111 | 109 | 112 |
| 2010 | 16 000 | 113 | 112 | 114 |
| 2011 | 16 000 | 116 | 115 | 117 |
| 2012 | 16 000 | 118 | 117 | 120 |

118. As the above table shows, the numbers receiving assistance benefit increased between 2006 and 2010, but then levelled out at 16 000.

119. In the age group 0–59 years, it is primarily the category 1 group in the LSS (persons with intellectual disabilities, autism or autism-like conditions) who have accounted for the increase in assistance benefit over the past 10 years – by about 2 200 people – mainly in the age group 0–24 years. Assistance benefit has also increased in the case of persons aged 65 or more (by about 1 800 people since 2002). These persons largely belong to the category 3 group in the above act (persons with lasting physical or mental disabilities). The share of persons aged 0–19 increased by 6 per cent between 2008 and 2012, and the share of those aged 20 or more increased by 3 per cent during the same period.

120. An interim report from the Swedish Social Insurance Inspectorate, covering the period 2001–2012, shows that a break in the assistance benefit trend occurred in 2008. Fewer new claimants were recorded in that year and the number of rejected applications rose by almost 50 per cent. At the same time appr.1 000 new claimants have been approved assistance benefit in 2011 but the number has varied between 1 300 and 1 000 people between 2008 and 2011.

121. As yet, the Inspectorate has not been able to explain what caused this change of direction. It cites a number of factors that may conceivably have influenced the outcome. One explanation may be that the term "basic needs" has been gradually specified more closely since 2006. Another possibility, according to the Inspectorate, is that more people who did not meet the criteria applied for assistance benefit at that time. The trend may also have been affected by both administrative and major organisational changes within the Swedish Social Insurance Agency. The Inspectorate is due to present its final report in October 2014.

122. Personal assistance may also be granted by the municipality according to LSS. The following data refers to this contribution.

123. From 2008, the amount of persons with this measure has increased from 3 500 persons to 3 900 persons in 2012 (11 per cent). In the age group of 0-22 years, the proportion of people increased by 17 per cent, in the age group of 23-64 years by 2 per cent and in the age group of 65 years and older by 50 per cent.

124. In 2008, the proportion of women and men with personal assistance was the same as in 2012, i.e. 48 per cent for women and 52 per cent for men.

125. The proportion of men and women with personal assistance in the age group of 0-22 years was in 2008, 42 per cent for women and 58 per cent for men. In 2012, the proportion of this age group was 43 per cent for women and 57 per cent for men.

126. The proportion of women with personal assistance in the age group of 23-64 years was in 2008, 50 per cent for women and 50 per cent for men. In 2012, the proportion of this age group was 49 per cent for women and 51 per cent for men.

127. The proportion of women with personal assistance in the age group of 65 years and older was in 2008, 49 per cent for women and 51 per cent for men. In 2012, the proportion of this age group was 51 per cent for women and 49 per cent for men.

128. The Health and Social Care Inspectorate supervises activities that come both under the Social Services Act and under the LSS. Its task is to ensure that such activities are pursued in accordance with the intentions of the law. In addition, other agencies such as the Schools Inspectorate and the Swedish Work Environment Authority have supervisory duties under the Education Act and the Work Environment Act respectively, that apply to persons with disabilities. The Equality Ombudsman (DO) exercises supervision to ensure compliance with the Discrimination Act.

129. Each year, Handisam follows up the objectives of the Strategy for the Implementation of Disability Policy and reports to the Government Offices. There is also a national support structure within which the agency has follow-up responsibilities. Handisam is involved in developing a voluntary follow-up system in cooperation with municipalities, county councils and the Swedish Association of Local Authorities and Regions. Indicators enabling follow-ups of developments at local level are being produced for such sectors as the labour market, education, social welfare policy and culture/sports. Moreover, Handisam has established a disability advisory committee together with the three major umbrella organisations and engages in thematic dialogues in collaboration with these organisations and agencies. The disability organisations have a role in that they function as *vox populi* and shapers of public opinion on various issues. The Swedish state provides the disability organisations with government funding of approximately SEK 180 million per year. With the creation of its "user panel" of some 2 000 people, Handisam has developed a means of asking persons with disabilities how they experience community life from different points of view.

## Education (art. 24)

**Reply to the issues raised in paragraph 30 of the list of issues**

130. To a great extent, responsibility for preschool and school education lies with the municipalities and private providers. The state controls the education system by means of the Education Act (2010:800), the ordinances regulating the various types of schools, and the national education authorities.

131. Chapter 1, section 4 of the Education Act states that the tuition provided is to take into consideration the varying needs of children and pupils. Children and pupils are to be given support and encouragement so that they may develop to the greatest possible extent. One aim in this endeavour is to offset differences in the capacity of children and pupils to benefit from the education. It follows from chapter 3 of the Education Act that all pupils are to be given the guidance and encouragement they need in their learning and their personal development in order to develop to the greatest possible extent, based on their own specific capabilities. Special support is to be given to pupils who need it in order to attain the minimum of knowledge required. Unless there are special reasons for not doing so, special support is to be provided within the learning group to which the pupil belongs. When the new Education Act was introduced in 2011, a right of appeal against decisions concerning special support was also introduced to the Board of Appeal for Education.

132. The Swedish National Agency for Education, the Schools Inspectorate and the National Agency for Special Needs Education and Schools are the three government agencies concerned with disability issues within their respective spheres. The National Agency for Education is the administrative authority for the education system and has produced general guidelines on how to develop action programmes for pupils with special needs. The Schools Inspectorate is the supervisory authority for the education system. An important part of this task is to monitor how schools are progressing in their provision of special-needs education. The agency has also carried out special audits focusing on education for pupils with disabilities. The National Agency for Special Needs Education and Schools seeks to ensure that children, young people and adults have the means to attain their educational goals, regardless of functional capacity. The agency offers municipalities and private providers special-needs education support, accessible teaching aids and government funding for development initiatives of various kinds.

133. In 2011, as noted earlier, the Government has adopted a strategy for the implementation of disability policy. A number of agencies, including the National Agency for Education, the Schools Inspectorate and the National Agency for Special Needs

Education and Schools, have been instructed to work in accordance with this strategy. Nine interim goals have been set for the educational sphere, focusing on the structure and adaptation of the tuition, accessibility and choice of school, disability awareness among schools and how best to meet the needs of pupils. In 2012, as part of this effort, the National Agency for Education has undertaken a st dy on special teaching groups, the Schools Inspectorate has conducted a quality review of the situation for school pupils diagnosed with autism spectrum disorder (ASD), and the National Agency for Special Needs Education and Schools has organised 364 courses and conferences centring on the educational consequences of disabilities.

134. Besides the above, the Government has initiated several reforms aimed at raising standards at school in general and ensuring that all children and pupils enjoy the support they need. These include clarifying the academic knowledge requirements and introducing marks at an earlier age, which makes it easier for schools to quickly identify pupils with special needs. Other initiatives have sought to support both municipalities and private providers by for instance making available government funds in support of both early measures to encourage development in writing, reading and mathematics and measures to improve school health and welfare services.

135. Under the curriculum for this type of school, the head teacher has a special responsibility to ensure that the tuition and the school health and welfare activities are such that the special needs of the pupils are met and that they receive the requisite assistance.

136. The competence of teachers is assured by the requirements in the teaching degree. To enhance the specialist qualification for working with pupils with disabilities, the Government has reintroduced remedial teacher training programmes. The Riksdag and Government have also introduced a system of registration for qualified school and preschool teachers. The eligibility requirements for teaching have been made more stringent, for instance in the case of remedial teachers providing tuition to pupils with special needs.

137. The professional development of head teachers and teaching staff is largely the responsibility of the employer, which usually means the municipality or the private provider.

138. Policy on prohibiting discrimination in the education sector is presented in the answer to the issue raised in paragraph 8 of the list of issues.

## Health (art. 25)

**Reply to the issues raised in paragraph 31 of the list of issues**

139. The Health and Medical Services Act (1982:763) states the overall objectives of health care in Sweden. According to section 2 this law, the goal of the health and medical service is good health and care on equal terms for the entire population. It also states that care should be provided with respect for the human equality and for human dignity. Those who are most in need of health care should be given priority access to care.

140. In the Strategy for a Good Quality and Equal Care, 2012-2016, the Government outlines its overall work for the improvement of equality in the care sector. The strategy involves drawing attention to and eliminating unjustified differences in outcomes and treatment in this sector and monitoring developments. Equal care implies that interpersonal contact, care and treatment are to be provided on the same terms regardless of factors such as personal qualities, housing location, age, sex, disability, education, social status, ethnic or religious affiliation or sexual orientation.

141. As of 1 January 2013, new provisions apply regarding dental care for persons seriously in need of such care because of a lengthy illness or a disability. Such persons are eligible for dental care covered by the provisions concerning fees in the open care system, also known as dental care at the same fee as medical care. The purpose of this new type of support is to ensure that there are no serious obstacles to prevent such patients from receiving the dental care they need. As of January 2013, it is also possible for patients with illnesses or disabilities that entail a risk of deteriorating dental health to obtain a special dental care allowance for the payment of preventive dental treatment eligible for support. Among others, this concerns patients with illnesses and disabilities that entail a heightened risk of caries due to dry mouth or unpropitious dietary habits. In the case of dental care, persons with disabilities are eligible for outreach programmes. The Dental Care Act (1985:125) specifies which members of the community who are eligible. Outreach programmes are free of charge.

142. In its progress report "Current status and trends in the health and medical care services and social services" from 2012, the National Board of Health and Welfare criticises the municipalities' sheltered housing facilities, both housing under the Social Services Act and housing under the Act concerning Support and Service for Persons with Certain Functional Impairments. In the agency's view, staff need to learn more about the health and medical care area, and sometimes need a closer link to health and medical care organisations. In some cases, the agency has directed criticism at activities on the grounds that they lack the requisite staff for the provision of quality care.

**Reply to the issues raised in paragraph 32 of the list of issues**

143. Since 2010, Sweden has been making efforts to train instructors in suicide prevention. Under this programme, a large number of instructors and first aid practitioners have been given training in three separate projects targeting adults, the young and older people respectively.

144. In Sweden, care providers are required to report occurrences that have either led to or could have led to a serious care injury, to the Health and Social Care Inspectorate. This rule is known as Lex Maria. Since 2006, suicides that occur during a care period or within four weeks of the last date of care contact must be reported in accordance with Lex Maria. The purpose of these checks is to compel the individual clinic to review its procedures and thereby reduce the risk of further such tragic occurrences. In 2011, supervision was intensified by means of a special analysis of those suicides that had been reported in accordance with Lex Maria. In this connection, a number of feedback seminars were organised, focusing on the results of this review and targeting health and medical care staff, the aim being to improve procedures and cooperation in order to prevent suicide.

145. An important part of the effort to preventive work against suicide among young persons with disabilities of various kinds involves making sure that they have the opportunity to find and keep a job. Here, the Government has launched initiatives specifically targeting this disability group. They include a three-year programme, "Individual Placement and Support", focusing on young persons with psychosocial disabilities, and an initiative entitled "Supported Employment" that targets a broader group of young person with disabilities.

146. In recent decades, the number of young adults claiming activity compensation has increased dramatically in Sweden, especially in connection with mental diagnoses. Through its action plan "PRIO Mental Illness: A plan for targeted measures in the mental illness sphere", the Government has made clear the goal orientation and investment measures that define its policy in this area. The aim is to achieve specific, lasting improvements for persons with mental illness. A clear and cohesive effort is under way in relation to the target group children and young people.

## Habilitation and rehabilitation (art. 26)

**Reply to the issues raised in paragraph 33 of the list of issues**

147. Under the Health and Medical Services Act (1982:763), county councils are required to offer all county residents and those who are registered (under section 16 of the Population Registration Act [1991:481]) and permanently domiciled there, habilitation and rehabilitation, technical aids for persons with disabilities and an interpreting service providing everyday interpreting for those deaf from early childhood, deaf blind adults and those with impaired hearing. The county council's responsibility does not however extend to habilitation or technical aids for which a municipality within the county area is responsible under section 18 b of the act. Nor does it imply any curtailment of the obligations that employers or others may have under the same law. Habilitation or rehabilitation, as well as the provision of technical aids, must be jointly planned together with the individual concerned. The plan is to make clear what measures are intended or decided.

148. In 2007, the National Board of Health and Welfare produced regulations governing the harmonised provision of habilitation and rehabilitation measures according to the Health and Medical Services Act. These are binding and state that the responsible staff are to coordinate the individual's overall habilitation and rehabilitation needs and document them in an individual plan. The provisions have yet to take full effect in the various activities, however, and the implementation process is still under way. In order to strengthen implementation further, the National Board of Health and Welfare has published a guide on cooperation in this area.

149. The sickness insurance system has rules on rehabilitation designed to help restore the work capacity of insured persons who have sustained an illness and to improve their chances of being able to support themselves through gainful employment. The Swedish Social Insurance Agency is responsible for coordinating the rehabilitation measures needed by the person concerned. In pursuing this task, it is required to cooperate, if the individual allows it, with the insured person's employer, where applicable, and with the health and medical care service, the social services, the Public Employment Service and other relevant agencies concerned with rehabilitation. Rehabilitation is defined here as a generic term for medical, social, psychological and work-related rehabilitation aimed at helping the ill and injured to recover the best possible functional capacity. Rehabilitation may also be provided via a range of different measures and actors within the various agencies' areas of responsibility, e.g. health and medical care, public employment services and social services. As a rule, a person in the sickness insurance system requires a number of different rehabilitation measures or forms of rehabilitation. Different rehabilitation measures tend to overlap, and all parts must interact if there is to be a successful outcome.

150. One of the tasks of the Swedish Social Insurance Agency is to identify the need for and initiate rehabilitation measures on behalf of all insured persons receiving compensation for loss of income from the social insurance scheme, except in the case of parental benefit. In other words, it makes no difference in respect of this mandate if the person concerned has a congenital disability or has acquired the disability later in life.

## Work and employment (art. 27)

**Reply to the issues raised in paragraph 34 of the list of issues**

151. Persons with a disability that reduces their work capacity are less likely to have a job as their main occupation than others in the community. For those with a disability that does

not reduce their work capacity, the situation is approximately the same as for the rest of the population.

152. During its most recent terms of office, as noted earlier, the Government has undertaken a number of reforms aimed at improving opportunities for persons with the type of disability that reduce both work capacity and thus their chances of finding employment. In this connection, it is for instance worth mentioning that further resources have been made available for employment with wage subsidy and secure employment at Samhall AB. Extra funding has been provided to the Swedish Public Employment Agency to ensure that the standard of support given to persons with capacity-reducing disabilities is maintained. In addition to these initiatives, "new start" jobs and other forms of employment supplement the measures specifically targeting persons with disabilities and reduced work capacity.

153. As mentioned before, in 2011 the Government adopted a national strategy for the implementation of disability policy. Among other areas, the strategy encompassed labour market policy, and the Public Employment Service was for that reason given responsibility for a number of interim targets. The focus of the Public Employment Service is on boosting the employment level for persons with capacity-reducing disabilities and making the matching process more effective. The social insurance is also covered by this strategy and the Social Insurance Agency has therefore been responsible for a number of interim targets. The agency shall, inter alia, contribute to the empowerment of persons with disabilities in employment with early and active efforts.

154. For the years 2012–2014, the Government also approved special initiatives on behalf of persons who no longer qualify for sickness insurance and who are well outside the labour market. As a result of the "Boost for Cultural Heritage" programme and the development employment scheme at Samhall, more people with reduced work capacity due to a disability have found jobs. To raise awareness of what support is available to persons with disabilities, the Public Employment Service was assigned to undertake an information campaign in 2012. Entitled "See the Strengths!", this campaign encourages employers to focus on people's abilities and skills rather than on obstacles and disabilities.

155. In its 2013 Budget Bill, the Government declared that measures needed to be more flexible. To this end, it proposed that in future special introduction and follow-up support (SIUS) could be combined with development and security employment. It also changed the personal assistant support programme so that it could be combined with development and security employment, as an alternative to provider allowances. The Public Employment Service reports that this has had a favourable effect.

156. The Government also directed additional resources to the SIUS programme in order to make it easier for persons with disabilities entailing reduced work capacity to find employment. Funding totalled SEK 55 million for 2013 and 110 million for 2014.

157. To underline the importance of maintaining a high standard when assessing disability and work capacity, the Government instructed the Public Employment Service in 2013 to report on ways in which the process of identifying disability and assessing work capacity might be improved and on how the agency's work in this area might be intensified.

158. In its Budget Bill for 2014, the Government proposes measures on behalf of the chronically unemployed. It is particularly important to ensure that young persons with a disability are given help in entering the labour market. To enable more people to move on from their subsidised employment scheme, the Government proposes a temporary investing in the development employment programme at Samhall. Young people will be given priority.

159. The Government has also tasked the Public Employment Service with implementing a trainee programme for persons with disabilities at government agencies.

160. In its Budget Bill for 2014, the Government proposes to make the improved support to supervisors of the special recruitment incentive scheme permanent. The Government also proposes to extend the maximum period for support provision under this scheme from 12 months to two years.

161. The Government has also given the Public Employment Service and the Social Insurance Agency a mandate to evaluate work-oriented rehabilitation interventions in accordance with the method Supported Employment. In particular, people with activity allowance that also participate in daily activities according to the LSS are prioritized in this project. In addition, the regulatory framework for activity allowance has been reformed in 2013 in order to provide incentives for people with this allowance to begin to work or to study.

162. The measures disability allowance, car allowance for persons with disabilities and childcare allowance are currently under consideration. The goal is for instance to achieve a more cohesive system of allowance for persons with disabilities and to make it easier for the beneficiaries to participate in working life and in society.

163. The aim with the Governments initiative "PRIO-mental illness" is to achieve specific, lasting improvements for persons with mental illness. During the period 2012-2016 the initiative is focusing on children and young people with mental health problems and people with extensive or complex psychiatric problems. The initiative is based i.a. on the overall goal of access to work and adapted employment.

164. To ensure that study and vocational guidance counsellors have extensive expertise, the National Agency for Education in consultation with the Public Employment Service, the Social Insurance Agency and the Swedish Institute of Assistive Technology, got an assignment during 2013 to develop a training program for study and vocational guidance counsellors in secondary schools. The education intervention should focus in particular on how to solve the establishment difficulties that young people with disabilities face on the labour market and how to support young persons in this field.

## Adequate Standard of living and social protection (art. 28)

**Reply to the issues raised in paragraph 35 of the list of issues**

165. Temporary parental benefit gives parents the opportunity to stay home from work on paid leave of absence to care for a sick child under the age of 12. Temporary parental benefit provides compensation for appr.80 percent of the qualifying income of the sickness benefit. The allowance can also be paid to parents who refrain from unemployment allowance in order to take care of their ill children.

166. This type of benefit is available for up to 120 days per year. In certain cases, temporary parental benefit is payable for a child who has turned 12 but not 16 if he or she has an illness or disability requiring special supervision or care. Temporary parental benefit is also payable in the case of children who are older than 16 if the child is covered by the LSS. In addition, temporary parental benefit is payable when a parent visits an institution with a sick child or a child with a disability, such as a habilitation venue, a special school, or the like. It is also payable if a parent takes part in a course organised by a health authority, e.g. a county council. If a child under the age of 18 is in a medical condition which implies that the child's life is in danger and the child receives treatment for its illness and the child's life is in danger without this treatment, temporary parental benefit will be paid for any number of days.

167. In the case of children covered by the LSS, what are termed contact days are available to parents: 10 days per child from birth until the child turns 16 years old. These

days can be made use of when for instance parents are absent from work, when they take part in parental training (e.g. a course organised by a disability organisation), when visiting the child's preschool or school or when taking part in an activity organised by the school.

168. Parents are also eligible for care allowances for children with disabilities if they give care to a sick child or a child with a disability. In such cases, the child must need special supervision and care for at least six months. A parent is eligible for a childcare allowance from the date of birth until June the year child turns 19. There is no right to absence from work in connection with care allowances. Under the Parental Leave Act parents are entitled to reduce their working hours by up to a quarter of a normal workday until the child turns 8. If a parent chooses to reduce his or her working hours in this way, the care allowance can partially replace loss of income. Childcare allowance can also be granted if there are significant additional costs because of the child's disability or illness.

169. Financial support to families with children who have disabilities is currently undergoing review and the conclusions of this study will be presented in the autumn 2014.

## Participation in political and public life (art. 29)

### Reply to the issues raised in paragraph 36 of the list of issues

170. In Sweden, no differences in the criteria relating to suffrage and eligibility for election are accepted, i.e. there are no grounds for disqualification. Since the 1991 general elections, all Swedish citizens who have reached voting age by election day at the latest have been entitled to take part in parliamentary elections. The right to vote in municipal and county council elections also extends to foreign citizens who have been registered as Swedish residents for at least three years.

### Reply to the issues raised in paragraph 37 of the list of issues

171. Nowadays, voters can appoint someone to assist them at an election. The Elections Act prescribes that voters who, due to a disability, are unable to prepare their votes themselves at a polling station may on request be assisted in this by the vote receivers.

172. The Elections Act Committee (2011:13) has examined the question of voter assistance and has recommended clarification of the existing legislation. The committee proposes in its final report "E-voting and other election issues" (SOU 2013:14) a provision be introduced into the Elections Act making clear that voters who are unable to prepare their votes themselves may elicit the assistance not only of the vote receivers but also of a private individual who can help them with the task.

173. The committee has also proposed abolishing the present rule whereby a municipality may, if granted dispensation, use a polling station that lacks proper accessibility. The possibility of casting a vote outside a polling station under certain circumstances is to be available at all voting facilities, whether voting on election day or in advance.

174. On the question of the dispensation rule for municipalities, the Government has presented a legislative proposal that it be abolished. According to this proposal, such an amendment is to enter into force on 28 January 2014.

### Reply to the issues raised in paragraph 38 of the list of issues

175. There is only one format for ballot papers at all Swedish elections. These are designed in accordance with special provisions set out in the Election Ordinance (SFS 2005:874 5 §). For the benefit of the visually impaired, the Election Authority provides ballot papers printed in Braille.

**Reply to the issues raised in paragraph 39 of the list of issues**

176. The option of voting via the internet or using eIDs is not available to voters at Swedish general elections. Nor are any voting machines available at polling stations.

177. The Elections Act Committee proposes in its final report "E-voting and other election issues" that a committee of inquiry be appointed to take a closer look at the requirements for introducing an e-voting system. The inquiry should focus on the possibility of introducing e-voting on a trial basis at the 2018 general elections. This proposal is currently being processed at the Government Offices.

**Reply to the issues raised in paragraph 40 of the list of issues**

178. Under the Local Government Act (1991:900), elected representatives with disabilities are entitled to reasonable compensation for travel expenses in the course of their duties (chapter 4, section 12 a). Municipal and county councils are required to make efforts to ensure that elected representatives with disabilities can deal with items of business on the same terms as other elected representatives (chapter 4, section 33).

179. The advance of IT and other technology offering two-way video and audio transmission may be of benefit to elected representatives with some form of disability. In a new bill entitled "Flourishing local government democracy", (Govt Bill 2013/14:5), the Government proposes amending the Local Government Act to introduce opportunities for remote decision-making. It states in the bill that such a move could facilitate the recruitment of elected representatives from the disability community. Under the proposal, the amendment will enter into force on 1 February 2014.

**Reply to the issues raised in paragraph 41 of the list of issues**

180. There are no provisions specifically requiring Sweden's political parties to adapt their election material so as to make it accessible to persons with disabilities. The Election Authority, however, has a considerable informational responsibility in this respect. Part of its task is to inform the general public and particularly voters about when, where and how they are to vote. The goal prior to each election is to reach as many people as possible, and to ensure that no-one need abstain from voting because he or she does not know how to go about it. Persons with special needs who require adapted election information are a highly important target group.

181. Prior to the most recent general elections (2010), information about the poll was produced in sign language and Braille, in easy-to-read brochures and in CD sound recordings. The CDs and brochures were sent to people registered with the Swedish Association of the Visually Impaired and the Centre for Easy Reading. The CDs were also distributed to the country's audio libraries. In addition, the Election Authority produced special material enabling visually impaired persons familiar with Braille to vote without assistance.

# C. Specific obligations

## Statistics and data collection (art. 31)

**Reply to the issues raised in paragraph 42 of the list of issues**

182. Sweden's Strategy for the Implementation of Disability Policy focuses on implementing the Convention in all sectors and at all levels of society. Within the strategy framework a cohesive follow-up system has been developed (by Handisam). This follow-up

procedure complies with the recommendations of the UN High Commissioner for Human Rights in terms of its structure and indicators for monitoring the enjoyment of human rights. It focuses among other factors on changes in policy and control mechanisms and on measures undertaken in the public sector, and also examines the consequences of such measures for persons with disabilities compared with the consequences for persons without. To improve this follow-up further, efforts are currently under way to develop statistics in various areas so as to include persons with disabilities. Such an approach is designed to make disability as a ground for discrimination more evident in the statistics.

183. To this end, Statistics Sweden has for instance broadened the Living Conditions Survey (ULF) to include questions that will enable the agency to observe whether persons with disabilities experience obstacles in their day-to-day lives. Statistics from the ULF survey are also used to monitor how living conditions in general develop over time. The figures can show differences in the enjoyment of human rights among persons with disabilities compared with that of persons without. Another component put in place to make it easier for the authorities to monitor implementation of the Convention is a web panel of 2 000 people with disabilities. This panel provides detailed data reflecting people's views and proposals concerning how the obstacles encountered in the community may best be eliminated. Web questionnaires cannot cover all persons in Sweden with disabilities however, so qualitative studies have been added.

184. Under a special ordinance, Handisam has in principle been making regular checks every year since 2003 to determine how central government authorities are progressing in their efforts to improve accessibility. Outcomes are communicated via open comparisons between the results of the individual authorities. This is an effective way of making outcomes attractive to the media and of pushing for implementation of the measures. The open comparison method will also be used when results from the voluntary evaluation of the municipalities' work in this area are published.

## International cooperation (art. 32)

### Reply to the issues raised in paragraph 43 of the list of issues

185. Despite the global financial crisis, the Swedish development aid budget has continued to grow in recent years. This has enabled Sweden to further develop its efforts to combat discrimination in development aid programmes during the present period.

### Reply to the issues raised in paragraph 44 of the list of issues

186. By financing and supporting United Nations funds and programs, Sweden promotes the rights perspective, including the principle of non-discrimination. By way of UNICEF, Sweden promotes a greater focus on equality and interventions for vulnerable children and children at risk, including actions for the protection of children from violence, exploitation, abuse and neglect.

187. The disability perspective has been mainstreamed into all areas of cooperation involving Sida by applying a human rights based approach (HRBA). In order to strengthen these efforts further, guidelines were developed in 2012 on how to apply HRBA – including a specific analysis of the rights of persons with disabilities – for 16 of the countries in which Sida is active. In 2013, Sida has evaluated the implementation of the national action plan for the rights of persons with disabilities, which guided the agency in its work in this area during the period 2009–2012. The results of this evaluation will provide a basis for Sida's analysis of and decisions regarding further efforts in this connection.

## National implementation and monitoring (art. 33)

### Reply to the issues raised in paragraph 45 of the list of issues

188. It is the Division for Families and Social Services at the Ministry of Health and Social Affairs that is the Swedish focal point in accordance with article 33, paragraph 1, of the Convention.

189. A special interdepartmental working group coordinates cross-sectorial work on disability issues at the Government Offices. This group pursues both the implementation of disability policy issues and work on the Government's disability policy strategy on an ongoing basis. When decisions of relevance to disability policy are being processed at the Government Offices, representatives of the focal point are always required to be involved.

190. In addition, there is a special Disability Commission led by the minister responsible for coordinating disability policy, i.e. the Minister for Children and the Elderly. Representatives of the political leadership of relevant ministries and representatives of the disability organisations take part in the Commission meetings, which are held four times a year. The members of this body are appointed by the Government.

191. The concrete outcome is that the disability perspective is given due consideration in relevant decisions and policy positions at the Government Offices, and that the disability organisations are consulted in accordance with article 33, paragraph 1, of the Convention on the Rights of Persons with Disabilities.

### Reply to the issues raised in paragraph 46 of the list of issues

192. The Office of the Equality Ombudsman monitors compliance with the Discrimination Act. This means that the Ombudsman deals with claims of discrimination, but also acts in other ways to promote equal rights and opportunities regardless of gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. Discrimination is prohibited in virtually all areas of community life.

193. One of the Ombudsman's tasks is to disseminate knowledge and information about this prohibition and about the Government's efforts to promote equal rights and opportunities. Such knowledge and information is to be disseminated to organisations in both private and public sectors and to individuals. In addition, the agency may prepare its own independent reports.

194. It may also be noted in this connection that the Government and Riksdag, in the bill entitled "Stronger protection against discrimination" (Govt Bill 2007/08:95), took account of the Paris Principles on the mandate of the national institutions, adopted by the United Nations in 1993, when formulating the Equality Ombudsman's tasks and areas of responsibility. As with certain previous Swedish ombudsmen, the Equality Ombudsman's mandate is broad and largely regulated by law.

195. One of the tasks of the Delegation for Human Rights in Sweden is to consider how further efforts to protect human rights may best be pursued. The proposals are currently being processed at the Government Offices.